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**FROM:** Charles B. Cappellari  
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**TO:** Examiner: Lacourciere, K.  
Group 1635  
  
**U.S. Patent & Trademark Office**  
  
Facsimile No. (703) 872-9306

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Number of pages (including this cover page): 21

In re Patent Application of:	)	Group Art Unit: 1635
	)	
BECKER <i>et al.</i>	)	Examiner: Lacourciere, K.
	)	
Serial No. 09/808,558	)	Atty. Docket No. GP068-05.CN3
	)	
Filed: March 14, 2001	)	Confirmation No. 3920
	)	
Title: MODIFIED OLIGONUCLEOTIDES	)	Date: March 19, 2004
AND METHODS FOR	)	
DETERMINING THE PRESENCE	)	
OF A NUCLEIC ACID ANALYTE	)	
IN A SAMPLE	)	

Transmitted herewith are the following:

- 1) Transmittal Form PTO/SB21;
- 2) Supplemental Response to Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures (2 pgs.); and
- 3) Supplemental Amendment (17 pgs.).

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Date: March 19, 2004

By: 

Charles B. Cappellari  
Registration No. 40,937

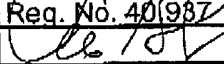
PTO/SB/21 (08-03)

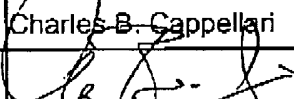
Approved for use through 08/30/2003 QMB 0851-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	09/808,558
	Filing Date	March 14, 2001
	First Named Inventor	Michael M. Becker
	Art Unit	1635
	Examiner Name	Lacourciere, K.
	Attorney Docket Number	GP068-05.CN3
Total Number of Pages in This Submission		20

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Supplemental Response to Notice to Comply re: Sequence Listing Requirements
Remarks		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	Charles B. Cappellari Reg. No. 40987	
Signature		
Date	March 19, 2004	

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Typed or printed name	Charles B. Cappellari	
Signature		Date March 19, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****OFFICIAL**

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Filed: March 14, 2001	)	Confirmation No. 3920
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For: MODIFIED OLIGONUCLEOTIDES AND	)	VIA FACSIMILE
METHODS FOR DETERMINING THE	)	
PRESENCE OF A NUCLEIC ACID	)	
ANALYTE IN A SAMPLE	)	

**SUPPLEMENTAL RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS  
FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE  
AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In further response to the Notice to Comply mailed on January 16, 2004 in the above-captioned application, I hereby state that the amendments, made in accordance with 37 C.F.R. § 1.825(a), included in the substitute sheets of the Sequence Listing enclosed with Applicants' Response dated February 17, 2004 are supported in the application, as filed, at page 38, line 20, through page 39, line 10; page 44, lines 13-20; and the paragraph bridging pages 68 and 69. This identification of support supercedes that set forth in Applicants' Response dated February 17, 2004. I again state that the substitute sheets of the amended Sequence Listing do not include new matter.

No fee is believed due in connection with this Supplemental Response. If Applicants are mistaken, please charge the amount due to Deposit Account No. 07-0835 in the name of Gen-Probe Incorporated.

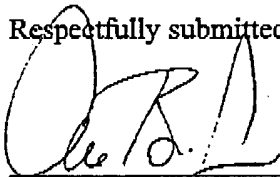
SUPPLEMENTAL RESPONSE  
TO NOTICE TO COMPLY

Serial No. 09/808,558  
Atty. Docket No. GP068-05.CN3

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Respectfully submitted,



By: .

Charles B. Cappellari  
Registration No. 40,937  
Attorney for Applicants

Date: March 19, 2004

GEN-PROBE INCORPORATED  
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10210 Genetic Center Drive  
San Diego, California 92121  
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PRESENCE OF A NUCLEIC ACID	)	
ANALYTE IN A SAMPLE	)	

**SUPPLEMENTAL AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

In further response to the Examiner's Notice to Comply mailed on January 16, 2004, Applicants request that this Supplemental Amendment supercede their Amendment dated February 17, 2004. This Supplemental Amendment is being submitted solely to correct errors in the page and line sections indicated in the amendments to the specification of Applicants' previous Amendment. These errors resulted from previously undetected differences in the formatting of Applicants' electronic and paper versions of the instant application. Accordingly, Applicants kindly request entry of the following amendments to the specification and consideration of the following remarks.